

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

James Dudansky,  
Dawn Dudansky,  
  
Debtors

Case No. 11-49899  
Chapter 7  
Hon. Judge TUCKER

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**DECLARATION OF DEBTORS REGARDING SPECIAL CIRCUMSTANCES TO  
REBUT PRESUMPTION OF ABUSE**

NOW COMES James and Dawn Dudansky, Debtor in the above referenced Chapter 7 Bankruptcy case, and declares that special circumstances exist regarding their personal financial circumstances that rebut the presumption of abuse.

1. We, James and Dawn Dudansky, filed for Chapter 7 Bankruptcy protection on April 7, 2011, Case Number 11-49899. We believe that our financial circumstances are substantially different from the average debtor as to justify special consideration from the court.
2. We filed Chapter 7 bankruptcy due to the fact that we are getting divorced and are maintaining two separate households.
3. Line 12 of our Form b22A ("Means Test") discloses total current monthly income for § 707(b)(7) in the amount of \$9,2485. The monthly income annualized is \$111,178.20.
4. The Means Test is not an accurate representation nor is it indicative of our income and current financial situation. I, Dawn Dudansky, have recently separated from my husband and we are both maintaining separate households and expenses. My hours have also been cut which has drastically brought my income down.
6. Our income is well below the monthly income annualized under the Means Test. If you take Dawn Dudanskys' new monthly gross income of \$2,860.00 and consider our separate household expenses there is no presumption of abuse pursuant to 11 U.S.C. § 707(b)(2).
7. Based on the above stated facts, we believe that we have demonstrated special circumstances to rebut the presumption of abuse under 11 U.S.C. § 707(b)(2).

We assert that the above information is true and correct under penalty of perjury.

Subscribed and sworn to before me

This 21 day of April 2011

Renee Lee  
Renee Lee

, Notary Public

Acting in Macomb County, Michigan

My commission expires: 2/25/2017

  
James Dudansky

Subscribed and sworn to before me

This 22 day of April 2011

/s/ Sheila A. Sawaya-Polio

, Notary Public

Acting in Macomb County, Michigan

My commission expires:

  
Dawn Dudansky

Sheila A. Sawaya-Polio  
Notary Public, Saint Clair County, MI  
Acting in Macomb County, MI  
My Commission Expires October 2<sup>nd</sup>, 2013